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10

11 **UNITED STATES BANKRUPTCY COURT**
12 **EASTERN DISTRICT OF WASHINGTON**
13

14
15 IN RE:

16
17 EASTERDAY RANCHES, INC.,
18

19 Debtor.
20
21
22
23

Case No. 21-00141-WLH11

**JOINDER ON MOTION FOR
ADEQUATE PROTECTION AND
OBJECTION TO ORDER
AUTHORIZING USE OF FINAL
CASH COLLATERAL**



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Joinder

-1-

1 J.R. Simplot Company, dba Simplot Western Stockmen's ("**Simplot**")
2
3 hereby joins in the motion of Weyns Farms and Sunray Farms [ECF 273] in
4
5 seeking adequate production and in the objection to the Debtors' final motion
6
7 for use of cash collateral.

8 1. Simplot delivered corn feed ("**Farm Products**") to the Debtors
9
10 pursuant to that certain contract with the Debtors ("**Contract**"). (See Contract
11
12 attached to preparer lien claim. The preparer's lien claim is attached as
13
14 Exhibit 1 to the Declaration of Cindy Smith filed contemporaneously with this
15
16 Joinder).

17 2. Pursuant to the Contract and agreements, Simplot delivered
18
19 \$66,778.08 of Farm Products. These deliveries were documented in part by
20
21 the records attached to the preparer lien claim as Exhibits A, B (Contract) & C
22
23 (invoices).

24 2. All the Farm Products were delivered pre-petition.

25
26 3 Neither the Debtors nor its affiliates made any payments to
27
28 Simplot for the delivery of the Farm Products detailed in the preparer lien.
29
30
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1 4. The Debtors remain indebted to Simplot for the unpaid amounts
2
3 due under the Contract and invoices (**"Remaining Balances"**). The
4 Remaining Balances were due on January 15, 2021 for all Farm Products.
5

6 5. After the Debtors failed to pay, Simplot filed a preparer lien
7
8 claim with the Washington State Department of Licensing on February 4,
9
10 2021 (DOL Filing No. 2021-035-4712-7). A true and correct copy of the
11
12 preparer lien is attached to the Declaration of Cindy Smith as Exhibit 1.
13

14 6. Under Washington law, the preparer lien is a secret super-priority
15
16 lien which was automatically perfected upon delivery of the Farm Products.
17
18 The lien remains a super-priority lien if the lien claimant files a preparer lien
19
20 with the Washington Dept. of Licensing no later than twenty (20) days after
21
22 payment is due.
23

24 7. Simplot asserts a continuing preparer lien in the Farm Products
25
26 and any other farm products with which the Farm Products have been
27
28 commingled as well as all accounts of Ranches to the fullest extent allowed by
29
30 Washington law and the Bankruptcy Code.
31
32
33
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8. It is unclear whether the Farm Products had been fed to cattle or was in existence at the time of the filing of the bankruptcy petition. It is believed that the feed may have been co-mingled with other similar Farm Products that was delivered to the Debtors.

9. Simplot has reviewed the Motion for Adequate Protection and Objection to Debtors' Final Motion to Use Cash Collateral and joins in those motions.

DATED this 9th day of March, 2021.

/s/ Joshua J. Busey
Joshua J. Busey (WSBA 34312)
Bailey & Busey PLLC

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